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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

2:09-CV-626 JCM (PAL)

7 ALLIED PROPERTY AND  
8 CASUALTY INSURANCE  
9 COMPANY, a foreign corporation,  
individually and as subrogee for its  
insured Joseph M. Holohan,

10 Plaintiff,

11 v.

12  
13 BEAZER HOMES HOLDINGS CORP.,  
14 et al.,

15 Defendants.

16 **ORDER**

17 Presently before the court are defendant Beazer Homes Holding Corp.'s three motions for  
18 summary judgment. (Doc. # 185, 186, 187). Defendant filed these motions four weeks before this  
19 matter is scheduled to go to trial.

20 Fed. R. Civ. P. 56(b) provides that "[u]nless a different time is set by local rule or the court  
21 orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the  
22 close of all discovery." Fed.R.Civ.P. 56(b).

23 The court issued a discovery and scheduling order that provided a discovery cutoff date and  
24 a deadline for dispositive motions. The dispositive motions deadline was set for November 19, 2009.  
25 (Doc. # 27). Then the court granted an extension of time to file dispositive motions to December 30,  
26 2009. (Doc. # 56). The court has granted no further extensions.

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1 The instant motions were filed more than two and half years after the deadline to file such  
2 motions had expired. Further, defendant did not seek leave of the court before filing these motions.  
3 Thus, defendant's motions violate this court's order and Fed. R. Civ. P. 56(b).

4 Based on the foregoing,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Beazer Homes  
6 Holding Corp.'s three motions for summary judgment (doc. # 185, 186, 187) be, and the same hereby  
7 are, DENIED.

8 DATED October 12, 2012.

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11 UNITED STATES DISTRICT JUDGE  
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